

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

<b>In re: Valsartan Products Liability Litigation</b>	MDL No. 2875
	Honorable Robert B. Kugler, District Court Judge
This document relates to:  <b>Clyde Rollins v. Mylan Laboratories, Ltd., et al.</b> ; Case No. 1:19-cv-15708	Honorable Joel Schneider, Magistrate Judge

**SHORT FORM COMPLAINT**

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint and Jury Demand in In re: Valsartan Products Liability Litigation*, MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, and 11 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

**IDENTIFICATION OF PARTIES**

**I. IDENTIFICATION OF PLAINTIFF(S)**

1. Name of individual who alleges injury due to use of a valsartan-containing drug: Clyde Rollins

2. This claim is being brought on behalf of

Myself

Someone else

a. If I checked, "someone else", this claim is being brought on behalf of:

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b. My relationship to the person in 2(a) is:

N/A

3. **Consortium Claim(s): The following individual(s) allege damages for loss of consortium:**

N/A

4. **County and state of residence of Plaintiff or place of death of Decedent:**

Bedford County, State of Tennessee

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5. **If a survival and/or wrongful death claim is asserted:**

a. Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):

N/A

## II. IDENTIFICATION OF DEFENDANTS

### 6. Plaintiff(s) bring claims against the following Defendants:

(\*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)

#### i. API Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	API Manufacturer	Aurobindo Pharma, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer Parent Corporation	Hetero Drugs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Hetero Labs, Ltd.	Foreign
<input checked="" type="checkbox"/>	API Manufacturer	Mylan Laboratories Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input checked="" type="checkbox"/>	API Manufacturer	John Doe	N/A

#### ii. Finished Dose Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Finished Dose Manufacturer	Arrow Pharm (Malta) Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Aurolife Pharma, LLC	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	Hetero Labs, Ltd.	Foreign
<input checked="" type="checkbox"/>	Finished Dose Manufacturer	Mylan Pharmaceuticals Inc.	WV
<input type="checkbox"/>	Finished Dose Manufacturer	Teva Pharmaceutical Industries, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Torrent Pharmaceuticals, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input checked="" type="checkbox"/>	Finished Dose Manufacturer	John Doe	N/A

*iii. Repackagers, Labelers, and Distributors*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	<b>Labeler/ Distributor</b>	Aceteris, LLC	NJ
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Actavis, LLC	NJ
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Actavis Pharma, Inc.	NJ
<input type="checkbox"/>	<b>Rpackager</b>	A-S Medication Solutions, LLC	NE
<input type="checkbox"/>	<b>Finished Product Distributor</b>	Aurobindo Pharma USA, Inc.	NJ
<input type="checkbox"/>	<b>Rpackager</b>	AvKARE, Inc.	TN
<input type="checkbox"/>	<b>Rpackager</b>	Bryant Ranch Prepack, Inc.	PA
<input type="checkbox"/>	<b>Labeler/Distributor</b>	Camber Pharmaceuticals, Inc.	NJ
<input type="checkbox"/>	<b>Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals</b>	Cardinal Health, Inc.	OH
<input type="checkbox"/>	<b>Rpackager</b>	The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals	MI
<input type="checkbox"/>	<b>Rpackager</b>	H J Harkins Co., Inc.	CA
<input type="checkbox"/>	<b>API Distributor</b>	Huahai U.S. Inc.	NJ
<input type="checkbox"/>	<b>Rpackager</b>	Northwind Pharmaceuticals	IN
<input type="checkbox"/>	<b>Rpackager</b>	NuCare Pharmaceuticals, Inc.	CA
<input type="checkbox"/>	<b>Rpackager</b>	Preferred Pharmaceuticals, Inc.	CA
<input type="checkbox"/>	<b>Rpackager</b>	RemedyRepack, Inc.	PA
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Solco Healthcare U.S., LLC	NJ
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Teva Pharmaceuticals USA, Inc.	PA
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Torrent Pharma, Inc.	NJ
<input checked="" type="checkbox"/>	<b>Labeler/Distributor/Rpackager</b>	John Doe	N/A

*iv. Wholesaler Defendants*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	<b>Wholesaler</b>	AmerisourceBergen Corporation	PA
<input type="checkbox"/>	<b>Wholesaler</b>	Cardinal Health, Inc.	OH
<input type="checkbox"/>	<b>Wholesaler</b>	McKesson Corporation	TX
<input checked="" type="checkbox"/>	<b>Wholesaler</b>	John Doe	N/A

*v. Pharmacies*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	<b>Pharmacy</b>	Albertsons Companies, LLC	ID
<input type="checkbox"/>	<b>Parent Corporation for Express Scripts, Inc. and Express Scripts Holding Co.</b>	Cigna Corporation	CT
<input type="checkbox"/>	<b>Pharmacy</b>	CVS Health	RI
<input type="checkbox"/>	<b>Parent Corporation for Express Scripts, Inc.</b>	Express Scripts Holding Company	MO
<input type="checkbox"/>	<b>Pharmacy</b>	Express Scripts, Inc.	MO
<input type="checkbox"/>	<b>Parent Corporation for Humana Pharmacy, Inc.</b>	Humana, Inc.	KY
<input type="checkbox"/>	<b>Pharmacy</b>	Humana Pharmacy, Inc.	KY
<input checked="" type="checkbox"/>	<b>Pharmacy</b>	The Kroger Co.	OH
<input type="checkbox"/>	<b>Pharmacy</b>	OptumRx	CA
<input type="checkbox"/>	<b>Parent Corporation for OptumRx</b>	Optum, Inc.	MN
<input type="checkbox"/>	<b>Pharmacy</b>	Rite Aid Corp.	PA
<input type="checkbox"/>	<b>Parent Corporation for OptumRx and Optum, Inc.</b>	UnitedHealth Group	MN
<input checked="" type="checkbox"/>	<b>Pharmacy</b>	Walgreens Boots Alliance	IL
<input type="checkbox"/>	<b>Pharmacy</b>	Wal-Mart, Inc.	AR
<input checked="" type="checkbox"/>	<b>Pharmacy</b>	John Doe	N/A

*vi. FDA Liaisons*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	FDA Liaison	Hetero USA, Inc.	NJ
<input type="checkbox"/>	FDA Liaison	Prinston Pharmaceutical Inc.	NJ
<input checked="" type="checkbox"/>	FDA Liaison	John Doe	N/A

III. JURISDICTION AND VENUE

7. Jurisdiction is based on:

- Diversity of Citizenship  
 Other as set forth below:

8. Venue: District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing Order entered by this Court: United States District Court for the Eastern ]

IV. PLAINTIFF'S INJURIES

9. Injuries: Plaintiff was diagnosed with the following type of cancer:

<input type="checkbox"/>	Liver	<input checked="" type="checkbox"/>	Kidney
<input type="checkbox"/>	Stomach	<input type="checkbox"/>	Colorectal
<input type="checkbox"/>	Pancreatic	<input type="checkbox"/>	Esophageal
<input type="checkbox"/>	Small Intestine	<input type="checkbox"/>	Other:

## CAUSES OF ACTION

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long form Complaint and Jury Demand* as if fully set forth herein.

11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

- Count I: Strict Liability – Manufacturing Defect
- Count II: Strict Liability – Failure to Warn
- Count III: Strict Liability – Design Defect
- Count IV: Negligence
- Count V: Negligence Per Se
- Count VI: Breach of Express Warranty
- Count VII: Breach of Implied Warranty
- Count VIII: Fraud
- Count IX: Negligent Misrepresentation
- Count X: Breach of Consumer Protection Statutes of the state(s) of:  
Tenn. Ann. Code 47-18-109(a)(1)

- Count XI: Wrongful Death
- Count XII: Survival Action
- Count XIII: Loss of Consortium
- Count XIV: Punitive Damages

Other State Law Causes of Action as Follows:

12. **Fraud Count:** Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here:

13. **Express Warranty Count:** Plaintiff adopts, incorporates, and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Express Warranty Count must be set forth here:

14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

Mylan Pharmaceuticals, Inc. at all times and material to this action, has been engaged in the manufacturing, sale, and distribution of adulterated and/or misbranded generic VCDs throughout the United States.

Mylan N.V. at all times and material to this action, has been engaged in the manufacturing, sale, and distribution of adulterated and/or misbranded generic VCDs throughout the United States.

Sandoz Inc. at all times and material to this action, has been engaged in the manufacturing, sale, and distribution of adulterated and/or misbranded generic VCDs throughout the United States.

**WHEREFORE**, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

08/20/19

Date

Michael P. McGartland

/s/

Michael P. McGartland

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